



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: March 26, 2013

TO: Circuit, District, Family and Municipal Court Judges and Staff

FROM: Court Liaisons; Kari Ferri, Lee Ann Gaspar, and David Handsor
Michigan Department of State

SUBJECT: 2012 Public Act 543 (SB 0353)

Effective March 31, 2013, the Michigan Department of State will implement Public Act 543 of 2012, amending 257.625(1), (2), (3), (4), and (5) of the Michigan Vehicle Code. Listed below are the existing offense codes that will be modified to include the language "Other Intoxicating Substance". The **"Bold Text"** indicates how the offense codes will appear on the driving record.

257.625(1) **Operating While Intoxicated**, offense code 1025, has been amended to include the language, "The person is under the influence of alcoholic liquor, a controlled substance, or *other intoxicating substance* or a combination of alcoholic liquor, a controlled substance, or *other intoxicating substance*."

257.625(2) **Allowed Person Under Influence Alcohol/Controlled Or Other Intoxicating Substance To Operate**, offense code 1340.

257.625(3) **Operated While Impaired By Controlled Substance Or Other Intoxicating Substance**, offense code 1210. Also, **Combined Operated While Impaired By Liquor, Controlled Or Other Intoxicating Substance**, offense code 1220.

257.625 (4) **Operated Under The Influence Or While Impaired By Liquor, Controlled Or Other Intoxicating Substance Causing Death**, offense code 1030.

257.625 (4)(b) **Operated Under The Influence Or While Impaired By Liquor, Control Or Other Intox Substance Causing Death Of An Emergency Responder**, offense code 1035.

257.625(5) **Operated Under The Influence Or While Impaired By Liquor, Controlled Or Other Intoxicating Substance Causing Serious Injury**, offense code 1040.

The following two offenses have been repealed effective March 31, 2013. All courts should update their offense code tables by entering an end date for the repealed offenses.

257.625(4) Operated Under Influence Or While Impaired By Controlled Substance Causing Death, offense code 1120.

257.625(5) Operated Under Influence Or While Impaired By Controlled Substance Causing Serious Injury, offense code 1130.

“Intoxicating substance” is defined at 257.625(25) as:

(a) "Intoxicating substance" means any substance, preparation, or a combination of substances and preparations other than alcohol or a controlled substance, that is either of the following:

(i) Recognized as a drug in any of the following publications or their supplements:

(A) The official United States pharmacopoeia.

(B) The official homeopathic pharmacopoeia of the United States.

(C) The official national formulary.

(ii) A substance, other than food, taken into a person's body, including, but not limited to, vapors or fumes, that is used in a manner or for a purpose for which it was not intended, and that may result in a condition of intoxication.

The Michigan Department of State *Court Manual*, and the offense code listing located on our web site at: http://www.michigan.gov/documents/OffenseCode_73877_7.pdf will be updated to reflect these changes.

If you have any questions, please contact Court Liaisons Kari Ferri (517) 636-0962, Lee Ann Gaspar (810) 762-0764 or David Handsor (517) 636-0129.